

CONCEPTUAL ZONING ARTICLE ATM-09.2
(Two-thirds vote)

**AMEND ZONING BYLAW
SOLAR ENERGY SYSTEMS;
SOLAR ACCESS**

An alternative “green” power source to wind is solar. Many types of residential or business solar installations are possible within the existing zoning bylaw regulations, especially when integrated with new construction or major rehabs. However, the following could be hindrances:

- When retrofitting an existing building with a solar power installation zoning setbacks or height limits may constrain or prevent the installation.
- There are presently no protections for solar installations from shading. Acton might consider if “solar easements” can be achieved through zoning standards.

M.G.L. Ch. 40A (Zoning Act), S.9B directly addresses solar power systems and solar access:

Chapter 40A: Section 9B. Solar access

Zoning ordinances or by-laws adopted or amended pursuant to section five of this chapter may encourage the use of solar energy systems and protect solar access by regulation of the orientation of streets, lots and buildings, maximum building height limits, minimum building set back requirements, limitations on the type, height and placement of vegetation and other provisions. Zoning ordinances or by-laws may also establish buffer zones and additional districts that protect solar access which overlap existing zoning districts. Zoning ordinances or by-laws may further regulate the planting and trimming of vegetation on public property to protect the solar access of private and public solar energy systems and buildings. Solar energy systems may be exempted from set back, building height, and roof and lot coverage restrictions.

Zoning ordinances or by-laws may also provide for special permits to protect access to direct sunlight for solar energy systems. Such ordinances or by-laws may provide that such solar access permits would create an easement to sunlight over neighboring property. Such ordinances or by-laws may also specify what constitutes an impermissible interference with the right to direct sunlight granted by a solar access permit and how to regulate growing vegetation that may interfere with such right. Such ordinances or by-laws may further provide standards for the issuance of solar access permits balancing the need of solar energy systems for direct sunlight with the right of neighboring property owners to the reasonable use of their property within other zoning restrictions. Such ordinances or by-laws may also provide a process for issuance of solar access permits including, but not limited to, notification of affected neighboring property owners, opportunity for a hearing, appeal process and recordation of such permits on burdened and benefited property deeds. Such ordinances or by-laws may further provide for establishment of a solar map identifying all local properties burdened or benefited by solar access permits. Such ordinances or by-laws may also require the examination of such solar maps by the appropriate official prior to the issuance of a building permit.

This section of 40A has been around for a long time. But, as far as I know it does not have much traction in local zoning ordinances or bylaws around the State. Perhaps it is the right time for the Acton Planning Board to consider proposing a zoning amendment in the vein of 40A, 9B special permit

1. for zoning waivers where in retrofit situation strict zoning compliance would constrain or prevent efficient use of a solar energy system.

2. for the creation of solar access easements.

SUMMARY

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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